ORDINANCE NO. 433

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ADD CAR WASH (SELF-SERVICE) AS A CONDITIONAL USE IN THE NEIGHBORHOOD SERVICES ZONING DISTRICT FOR LOT 3, BLOCK AA, BELLA COLINAS COMMERCIAL SUBDIVISION, AS RECORDED IN DOCUMENT NO. 201600051, OPRTC AND WHICH IS LOCATED AT THE SOUTHWEST CORNER OF WEST STATE HIGHWAY 71 AND DEL DIOS WAY, BEE CAVE, TEXAS; PROVIDING FOR APPROVAL OF A CONCEPT PLAN DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CERTAIN CONDITIONS CONTAINED HEREIN AND ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR APPROVAL OF ELEVATIONS, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR FINDINGSS OF FACT, SEVERABILITY, EFFECTIVE DATE AND PROPER NOTICE AND MEETING

WHEREAS, an application has been submitted to add Car Wash (Self-Service) as a Conditional Use to the Neighborhood Services zoning district for the property located at the Southwest corner of West State Highway 71 and Del Dios Way, Bee Cave, Texas, described as Lot 3, Block AA, Bella Colinas Commercial (the "Property"); and

WHEREAS, the Property is located in the City of Bee Cave's Extraterritorial Jurisdiction and is subject to the provisions in the Masonwood Amended and Restated Development Agreement (the "Development Agreement") adopted by the Bee Cave City Council on November 13, 2012. The Property is within the 'Neighborhood Services Tract' as designated within the Development Agreement concept plan;

WHEREAS, the property owner has submitted a Concept Plan depicting the proposed use of the Property as a Car Wash (Self-Service) and the terms and conditions of this Ordinance are sufficient to make this proposed use compatible with other Neighborhood Services uses on adjacent property;

WHEREAS, the notice as required by the City's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners;

WHEREAS, the Planning and Zoning Commission and the City Council has each conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, the City Council finds that the use of the Property as depicted in the Concept Plan and in accordance with this Ordinance as a Car Wash (Self-Service) is an appropriate use for the Property;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:

- **SECTION 1.** Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.
- **SECTION 2.** <u>Findings</u>. The City Council finds that the information submitted in the Application for a Conditional Use Permit submitted by Applicant meets the requirements of the City of Bee Cave Zoning Ordinance for the Property as depicted on the Concept Plan attached hereto and incorporated herein as Exhibit "A".
- **SECTION 3.** <u>Uses.</u> A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 5, herein described, and the Conditions described in Exhibit "B", attached hereto and incorporated herein, to authorize a Car Wash (Self-Service) use on the Property as depicted in Exhibit "A" and in conjunction with any other permitted uses authorized in Neighborhood Services zoning districts.
- **SECTION 4.** Concept Plan. The Concept Plan, attached hereto as Exhibit "A", depicting the Car Wash (Self-Service) use and Architectural Elevations, attached hereto as Exhibit "C", for buildings and other structures associated with the use of the Property as a Car Wash (Self-Service) together with all other uses and amenities depicted in the Concept Plan are all hereby approved contingent upon the property owner meeting the conditions contained within Section 5 and Exhibit "B".
- **SECTION 5.** <u>Conditional Use Permit</u>. The City Council hereby approves a Conditional Use Permit to the property owner (hereinafter "Permittee") upon the following terms and conditions:
 - 1. Permittee shall not commence development until it has secured all permits and approvals as required by the City of Bee Cave Ordinances and the Development Agreement.
 - 2. The Conditional Use Permit authorizes additional development of the subject Property only as represented in the Permittee's application and only to the extent such development is depicted in the Concept Plan described in Exhibit "A," attached hereto, and only to the extent authorized herein. If portions of the development of the subject Property requested in the application are not approved herein by the Council, or are not depicted in Exhibit "A", then that portion of Permittee's application is specifically denied.
 - 3. Amendments to development for this Property in the future shall comply with Neighborhood Services zoning except as may be approved by this Conditional Use Permit or as same may be amended.

- 4. The uses authorized in this Conditional Use Permit shall also comply with the development standards and operational standards described in the Development Agreement.
- **SECTION. 6.** Penalties. That any person, firm or corporation violating any of the provisions of this Ordinance or Chapter 32, Zoning, of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Bee Cave, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense, in accordance with Section 1.01.009 of the City's Code of Ordinances.

SECTION 7. Ordinance not invalidated. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsection, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 8. <u>Prior Ordinances Repealed.</u> All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 9. <u>Proper Meeting.</u> It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 10. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 28th day of _ April ____, 202

APPROVED:

Kara King, Mayo

City of Bee Cave

ATTEST:

Kaylynn Holloway, City Secretary

City of Bee Cave, Texas

APPROVED AS TO FORM:

City Attorney

DENTON NAVARRO ROCHA BERNAL & ZECH, PC

EXHIBIT "A"

CONCEPT PLAN

LIQUE ENGINEERS = TBPE # - 20405

816 Camaron Ste. 123 San Antonio TX 78212 Phone: 210-549-4207

THESE DRAWINGS, OR PARTS THEREOF, MAY NOT BE REPRODUCED IN ANY FORM, BY ANY METHOD, FOR ANY PURPOSE VITHOUT PRIOR WRITTEN CONSEI FROM LIQUE ENGINEERS.

FOR REVIEW THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW, UNDER THE AUTHORITY OF DAMIAN M. ESQUIVEL, P.E. 98362
ON 12/6/19. IT IS NOT TO BE USED FOR CONSTRUCTION OR BIDDING.

SCALE:

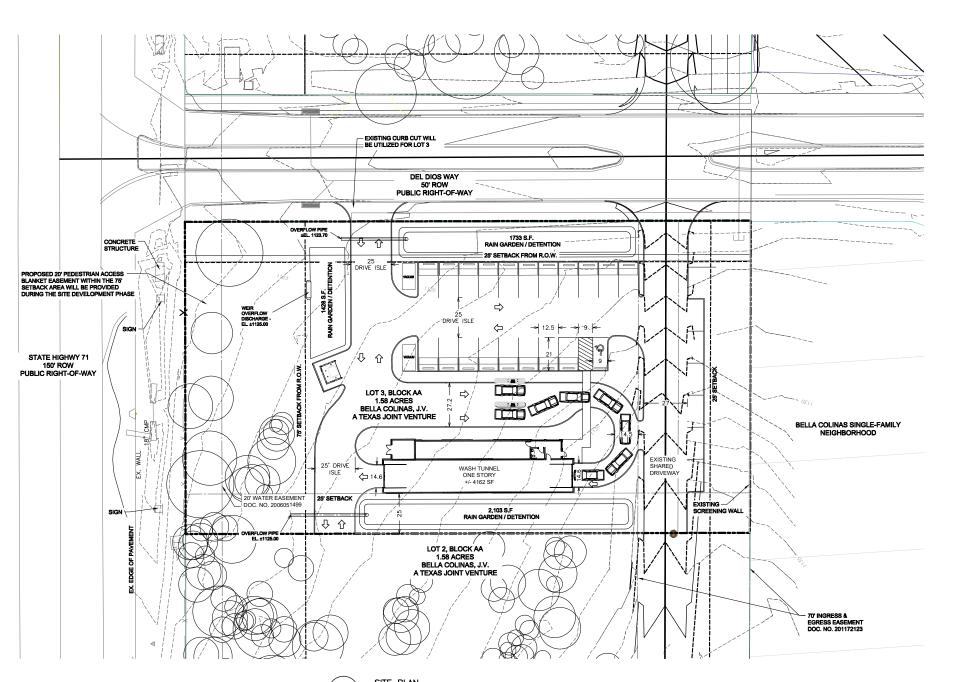
1" = 30'

REVISION: # DATE: December 6, 2019 JOB:

EXHIBIT

SHEET NO.

CUP-1



TOTAL LOT SIZE - 68,824.80 SF TOTAL IMPERVIOUS COVER -40,363.29 SF

IMPERVIOUS COVER PERCENTAGE - 58.8%

24 PARKING STALLS



LOCATION MAP NOT TO SCALE



CUP NOTES:

STORM WATER

WATER QUALITY/DETENTION/DRAINAGE: PROPOSED PONDS WILL MEET SEC. 32.05.005(d), ALL ABOVEGROUND FACILITIES USED FOR WATER QUALITY MANAGEMENT AND NON-POINT POLLUTION CONTROL, INCLUDING RETENTION AND DETENTION PONDS, SHALL BE DESIGNED USING NATURAL STONE MATERIALS CONSISTENT WITH THE COMPREHENSIVE PLAN.

NATURAL FEATURES

TOPOGRAPHY (GRADING): PER ARTICLE III, SEC. 3.02(b)(vi), CUT AND FILL FOR NEIGHBORHOOD SERVICES DEVELOPMENT IS LIMITED TO 10 FT. UNLESS A VARIANCE IS

<u>LIGHTING:</u> PROPOSED LIGHTING WILL MEET SEC. 32.05.012

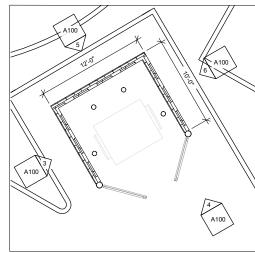
 $\underline{\text{NOISE:}}$ VOICE ATTENDANT SPEAKERS ASSOCIATED WITH THE CARWASH OR PAY STATIONS ARE PROHIBITED.

HOURS OF OPERATION: HOURS OF OPERATION IN THIS DISTRICT ARE 6:00 AM TO 10:00 PM

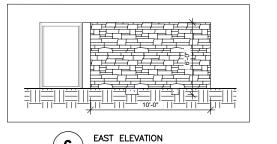
CUP ORDINANCE LANGUAGE: THIS PROPERTY IS SUBJECT TO THE PROVISIONS IN THE MASONWOOD AMENDED AND RESTATED DEVELOPMENT AGREEMENT ADOPTED BY THE BEE CAVE CITY COUNCIL ON NOVEMBER 13, 2012. THE SUBJECT PROPERTY IS WITHIN THE 'NEIGHBORHOOD SERVICES TRACT' AS DESIGNATED WITHIN THE DEVELOPMENT AGREEMENT CONCEPT PLAN."

THIS PROPERTY IS SUBJECT TO THE IMPERVIOUS COVER AND RESTRICTIONS AS RECORDED IN DOCUMENT NO. 2016031163 OF THE OPRTC.

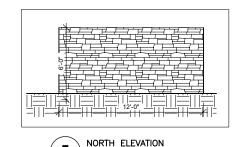
OWNER SHALL PROVIDE A 20' BLANKET EASEMENT FOR TRAIL AND PEDESTRIAN ACCESS AT AN AGREED UPON LOCATION THAT IS ACCEPTABLE TO BOTH THE CITY OF BEE CAVE AND THE OWNER. PROPERTY OWNER WILL NOT BE RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF TRAIL IMPROVEMENT IF CONSTRUCTED IN THE FUTURE. THIS PROPERTY IS SUBJECT TO THE IMPERVIOUS COVER AND RESTRICTIONS AS RECORDED IN DOCUMENT NO. 2016031163 OF THE OPRTC.



3/16"=1'-0"

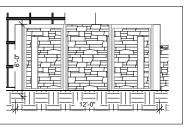


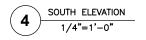
1/4"=1'-0"

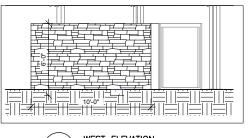


1/4"=1'-0"

1"=30'-0"

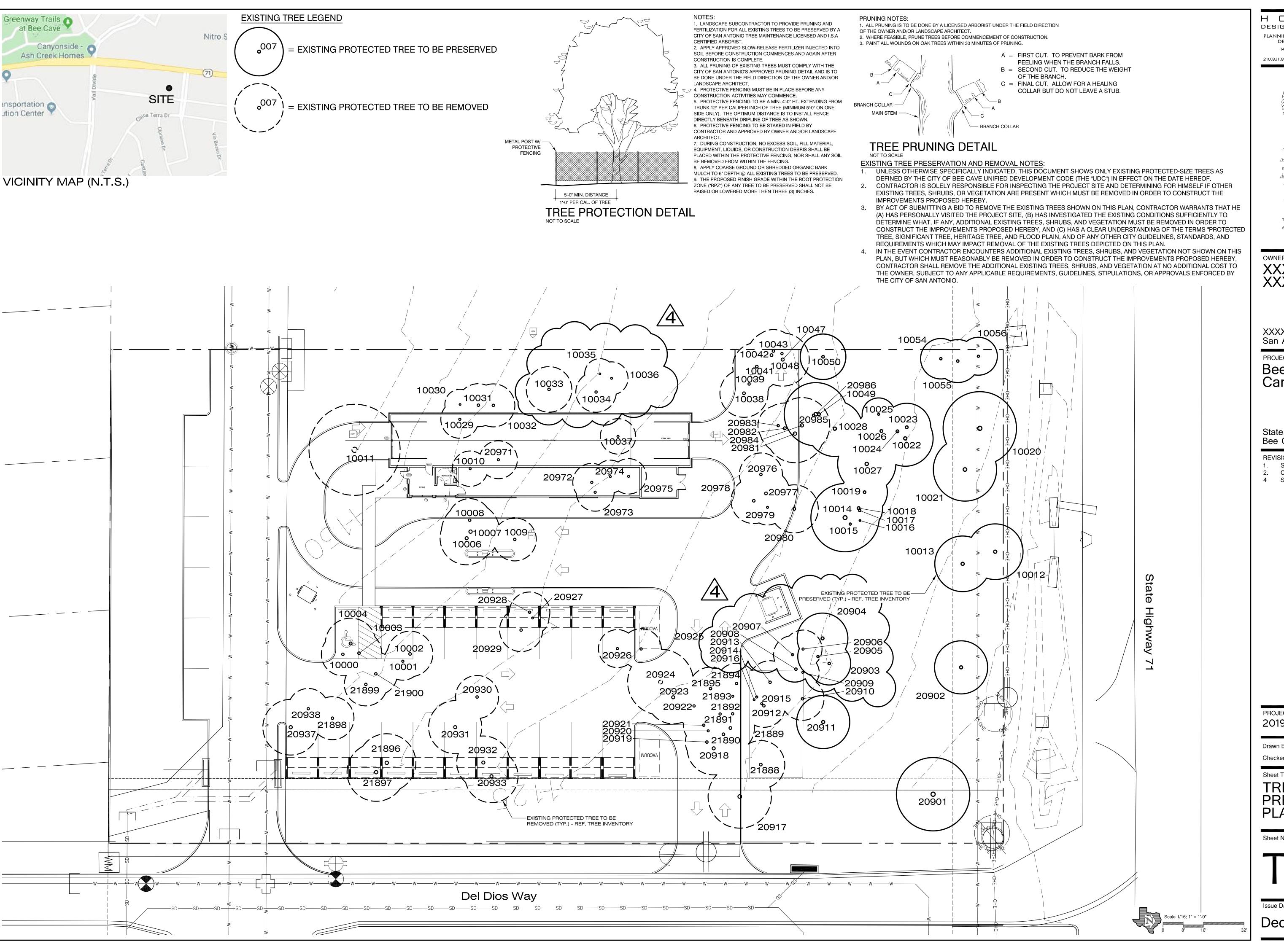






WEST ELEVATION 1/4"=1'-0"

DUMPSTER ENCLOSURE



HORIZON DESIGN AND DEVELOPMENT

PLANNING LANDSCAPE ARCHITECTURE DEVELOPMENT CONSULTING

14607 San Pedro Ave., Suite 200 San Antonio, Texas 78232 210.831.8564 jrobinson@horizondesign-sa.com



The user of this file agrees to assume all responsibility for any modifications to or use of this drawing file that is inconsistent with the requirements of the Rules and Regulations of the Texas Board of Architectural Examiners. No person may make any modifications to this electronic drawing file without the Landscape Architect's express written permission.

OWNER XXXX XXXX

San Antonio, TX 782XX

PROJECT

Bee Cave Car Wash

State HWY 71 Bee Cave, Texas 78738

REVISIONS Site Update

> 2/17/20 City Comments 3/23/20 Site Update

PROJECT NUMBER 2019-205

Drawn By jv

Checked By: jr

Sheet Title:

TREE PRESERVATION PLAN

Sheet Number:

December 4, 2019

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HORIZON

DESIGN AND DEVELOPMENT

PLANNING LANDSCAPE ARCHITECTURE DEVELOPMENT CONSULTING 14607 San Pedro Ave., Suite 200 San Antonio, Texas 78232 210.831.8564 jrobinson@horizondesign-sa.com



3.23.20

The user of this file agrees to assume all responsibility for any modifications to or use of this drawing file that is inconsistent with the requirements of the Rules and Regulations of the Texas Board of Architectural Examiners. No person may make any modifications to this electronic drawing file without the Landscape Architect's express written permission.



XXXX San Antonio, TX 782XX

Bee Cave Car Wash

State HWY 71 Bee Cave, Texas 78738

REVISIONS

Site Update 1/10/20
City Comments 2/17/20
Site Update 3/23/20

PROJECT NUMBER 2019-205

Drawn By: jv Checked By: jr

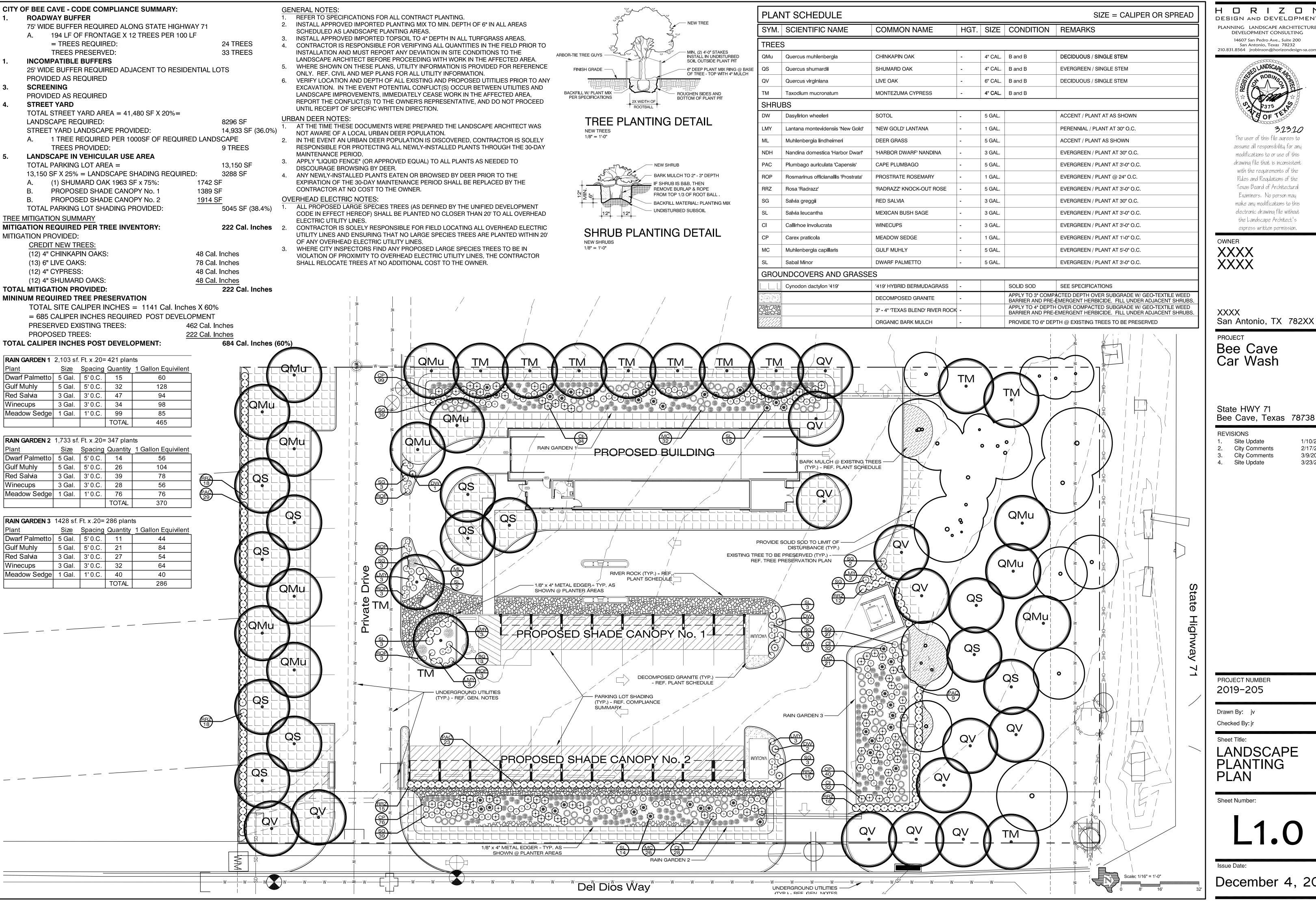
Sheet Title:
TREE
INVENTORY

Shoot Numb

TP1.1

Issue Date:

December 4, 2019



HORIZON DESIGN AND DEVELOPMENT

PLANNING LANDSCAPE ARCHITECTURE DEVELOPMENT CONSULTING

14607 San Pedro Ave., Suite 200 San Antonio, Texas 78232 210.831.8564 jrobinson@horizondesign-sa.com



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OWNER XXXX XXXX

San Antonio, TX 782XX

Bee Cave Car Wash

REVISIONS

Site Update 1/10/20 2/17/20 City Comments City Comments 3/9/20 3/23/20 Site Update

PROJECT NUMBER 2019-205

Drawn By: jv

LANDSCAPE PLANTING PLAN

Sheet Number:

December 4, 2019

EXHIBIT "B"

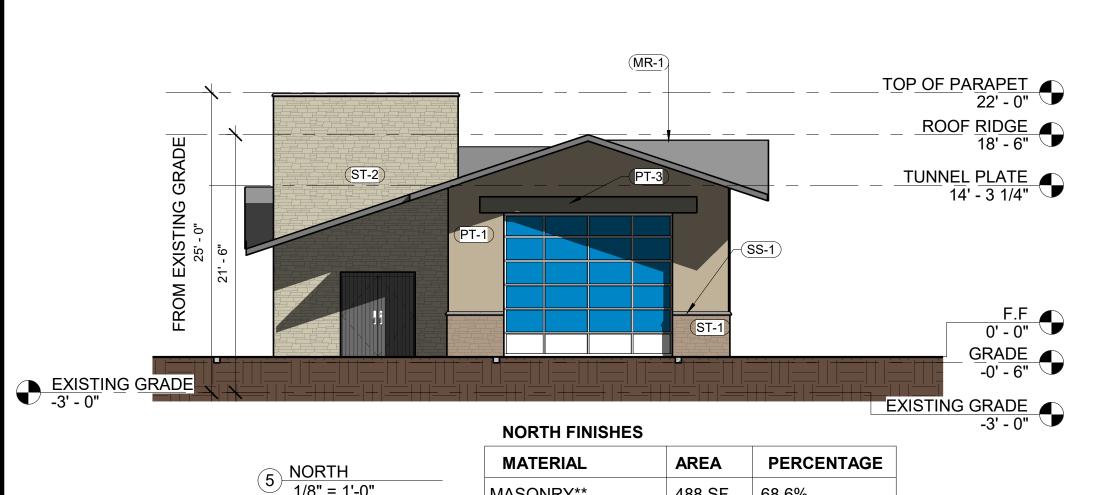
CONDITIONAL USE PERMIT REQUIREMENTS

- 1. A Car Wash (Self-Service) is authorized for development at the location identified in the Concept Plan attached as Exhibit "A" to this Ordinance. Development of the car wash facility shall be consistent with development standards previously approved in the Masonwood Amended and Restated Development Agreement adopted by the Bee Cave City Council on November 13, 2012, except as same may be modified herein.
- 2. Off-street parking for the Car Wash (Self-Service) shall be provided at a ratio of 1 space per 200 square feet of building area plus an additional 4 employee parking spaces.
- 3. The hand-washing and/or detailing of motor vehicles by individuals other than customers of the car wash facility is strictly prohibited on the premises.
- 4. Owner of the Property shall provide a 20' blanket access easement for trail and pedestrian access at an agreed upon location that is acceptable to both the City of Bee Cave and the owner within the 75' landscape buffer required along West State Highway 71. Property owner will not be responsible for construction and maintenance of trail improvement if constructed in the future. Recordation of the 'Blanket Access Easement Trail Agreement' shall be required prior to Site Plan approval.
- 5. Construction, including structural stormwater and water quality controls, is prohibited within the 75' landscape buffer adjacent to West State Highway 71.
- 6. Any aboveground facilities used for water quality management and nonpoint pollution control, including retention and detention ponds, shall be designed using natural stone materials. Additionally, any pond walls visible from adjacent streets, access easements, or parking areas shall be faced with natural stone.
- 7. Any changes or amendments to Water Quality/Detention/Drainage BMPs depicted in Exhibit "A" of the Ordinance may require an amendment of this Conditional Use Permit as determined by the City Engineer.
- 8. Per Article III, Section 3.02(b)(vi) of the 'Masonwood Amended and Restated Development Agreement,' cut and fill for development of the Property is limited to 10 ft. unless a variance is granted in conjunction with Site Plan approval.

- 9. There shall be no voice attendant speakers associated with the Car Wash (Self-Service) or its accompanying pay stations.
- 10. The Elevations depicted in Exhibit "C" of this Ordinance are approved. If the Permittee amends the Elevations such alternative Elevations may be considered in conjunction with Site Plan approval and shall meet or exceed the City's Exterior Building Design Standards of the City's Code of Ordinances.
- 11. Operation of the Car Wash (Self-Service) will be between the hours of 6:00 am to 10:00 pm.
- 12. Per Article II, Section 2.01(v) of the 'Masonwood Amended and Restated Development Agreement,' the City's landscaping requirements (Sec. 32.05.002), with the exception of Sec. 32.05.002(f)(2), shall apply to the subject development. However, the removal of any Protected Tree, Specimen Tree or Specimen tree stand from within the required 75' landscape buffer adjacent to West State Highway 71 is prohibited. The Landscape and Tree Preservation Plan for the Car Wash (Self-Service) shall be reviewed in conjunction with Site Plan approval.
- 13. Per "Exhibit B" of the Declaration of Restrictions (Doc. No. 2016031163 ORTC), the Property is authorized to construct impervious cover up to .94 acres. However, the Concept Plan approved as part of this Ordinance authorizes construction only of .933 acres of impervious cover. Any development or construction which would cause the property to exceed .933 acres of impervious cover must be approved in conjunction with a Site Plan approval.
- 14. The Car Wash (Self-Service) will comply with the City lighting standards as required by the COBC Code of Ordinances.
- 15. Any signage for the Car Wash (Self-Service) will comply with the City signage standards as required by the COBC Code of Ordinances.

EXHIBIT "C"

ELEVATIONS



EXTERIOR FINISHES

PT-1

SW 7506

Interior / Exterior

Locator Number: 248-C2

SYMBOL	MATERIAL	COLOR
PT-1	PAINTED STUCCO	SHERWIN WILLIAMS - SW 7506 - LOGGIA - SATIN
PT-2	PAINTED STUCCO	SHERWIN WILLIAMS - SW 7746 - RUSHING RIVER SATIN
PT-3	PAINTED STUCCO	SHERWIN WILLIAMS - SW 7743 - MOUNTAIN ROAD SATIN
ST-1	STONE VENEER	ELDORADO STONE - ROUGH CUT - AUTUMN LEAF
ST-1	STONE VENEER	ELDORADO STONE - ROUGH CUT - VINEYARD TRAIL
SS-1	STONE SILL	ELDORADO STONE - CHISELED EDGE WAINSCOT SILL - BUCKSKIN
MR-1	METAL ROOF	BERRIDGE TEE-PANEL STANDING SEAM - ZINC GRAY

PT-2

SW 7746

Rushing River

Interior / Exterior

Locator Number: 247-C6

FINISH PERCENTAGES

MATERIAL	AREA	PERCENTAGE
MASONRY**	4364 SF	81%
GLAZING	966 SF	18%
DOOR (OPAQUE)	46 SF	1%
TOTAL	5376 SF	100%

** ALL EXTERIOR WALL MATERIALS ARE CLASSIFIED AS MASONRY. MASONRY MAKES UP 100% OF THE EXTERIOR FINISHES THAT ARE NOT DOORS OR GLAZING

ST-1



MR-1 STANDING SEAM ROOFING





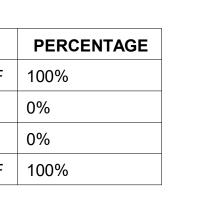


NORTH	MATERIAL	AREA	PERCE
1/8" = 1'-0"	MASONRY**	488 SF	68.6%
	GLAZING	168 SF	23.6%
	DOOR (OPAQUE)	55 SF	7.8%

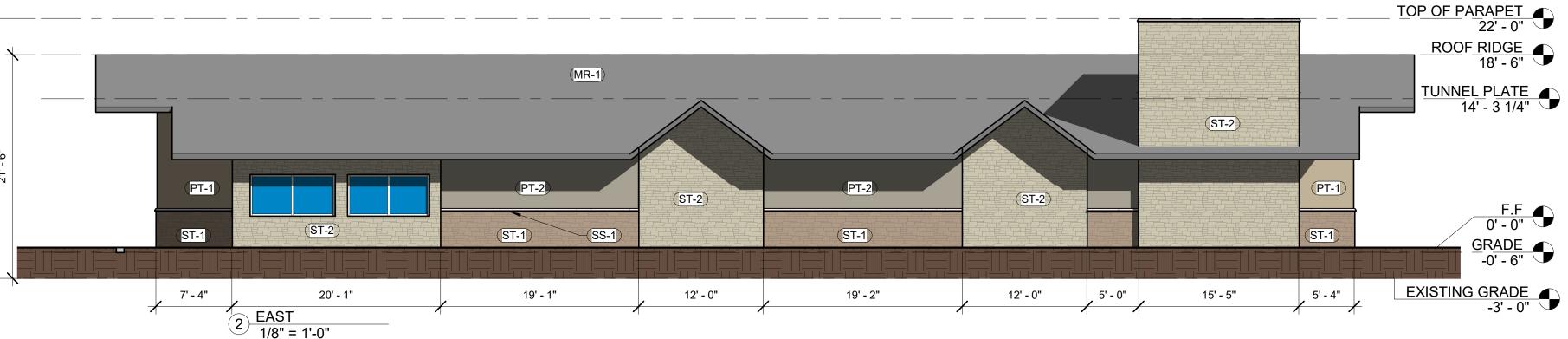
TOTAL

EAST FINISHES MATERIAL AREA PERCENTAGE 1323 SF MASONRY** GLAZING N/A 0% DOOR 0% N/A TOTAL 1323 SF 100%

711 SF 100%



EXISTING GRADE -3' - 0"



PT-3

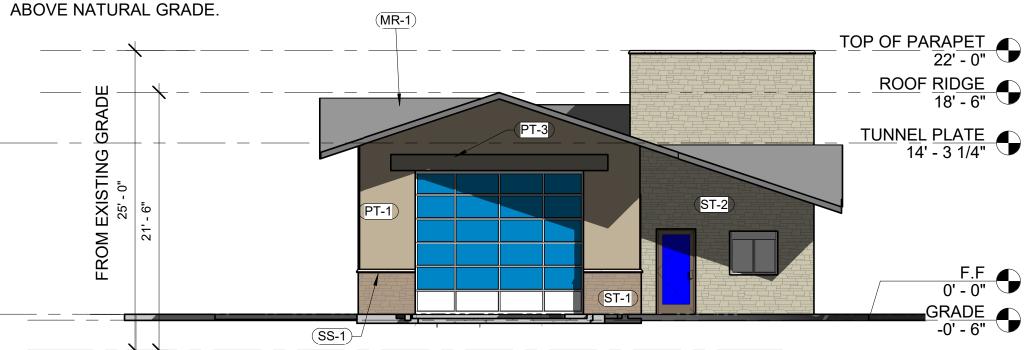
SW 7743

Mountain Road

ocator Number: 247-C7

Interior / Exterior

BUILDING FINISHED FLOOR IS 0'-6" ABOVE FINISHED GRADE. FINISHED GRADE WILL BE +/- 2'-6"



SOUTH FINISHES

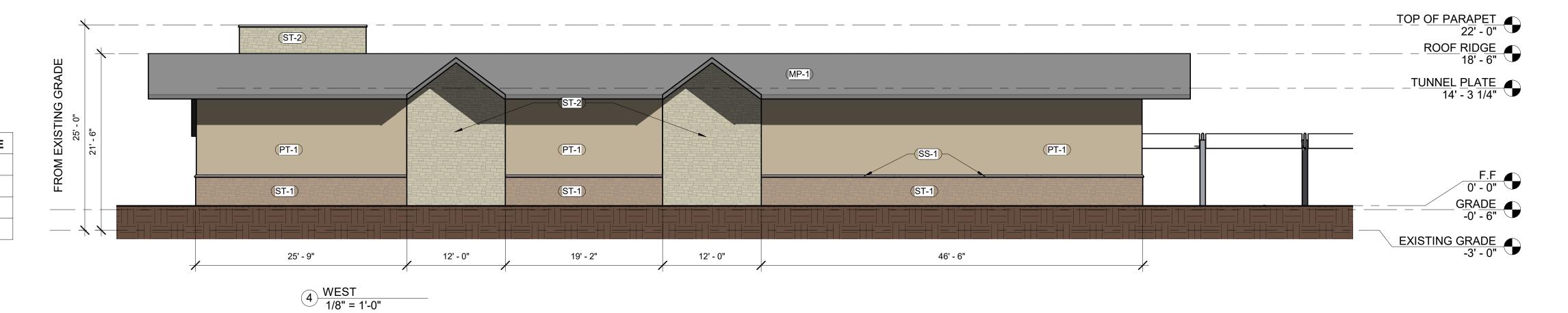
MATERIAL	AREA	PERCENTAGE
MASONRY**	454 SF	68.8%
GLAZING	206 SF	31.2%
DOOR (INCL. IN GLAZING)	N/A	0%
TOTAL	660 SF	100%

3 SOUTH 1/8" = 1'-0"

WEST FINISHES				
MATERIAL	AREA	PERCENTAGE		
MASONRY**	1716 SF	100%		
GLAZING	N/A	0%		
DOOR	N/A	0%		

1716 SF | 100%

TOTAL



ARCHCOMM, LLC. 1006 Beckett

San Antonio, Texas 78213 (210) 308-9905 TBPE NO. F-15659

06.25.19

CONSULTANTS

VE

OWNER

BEE

SHEET TITLE BUILDING **ELEVATIONS**

SHEET HISTORY

ISSUE

A201





2 3D View 9



06.25.19

CONSULTANTS

EE CAVE CAR WA

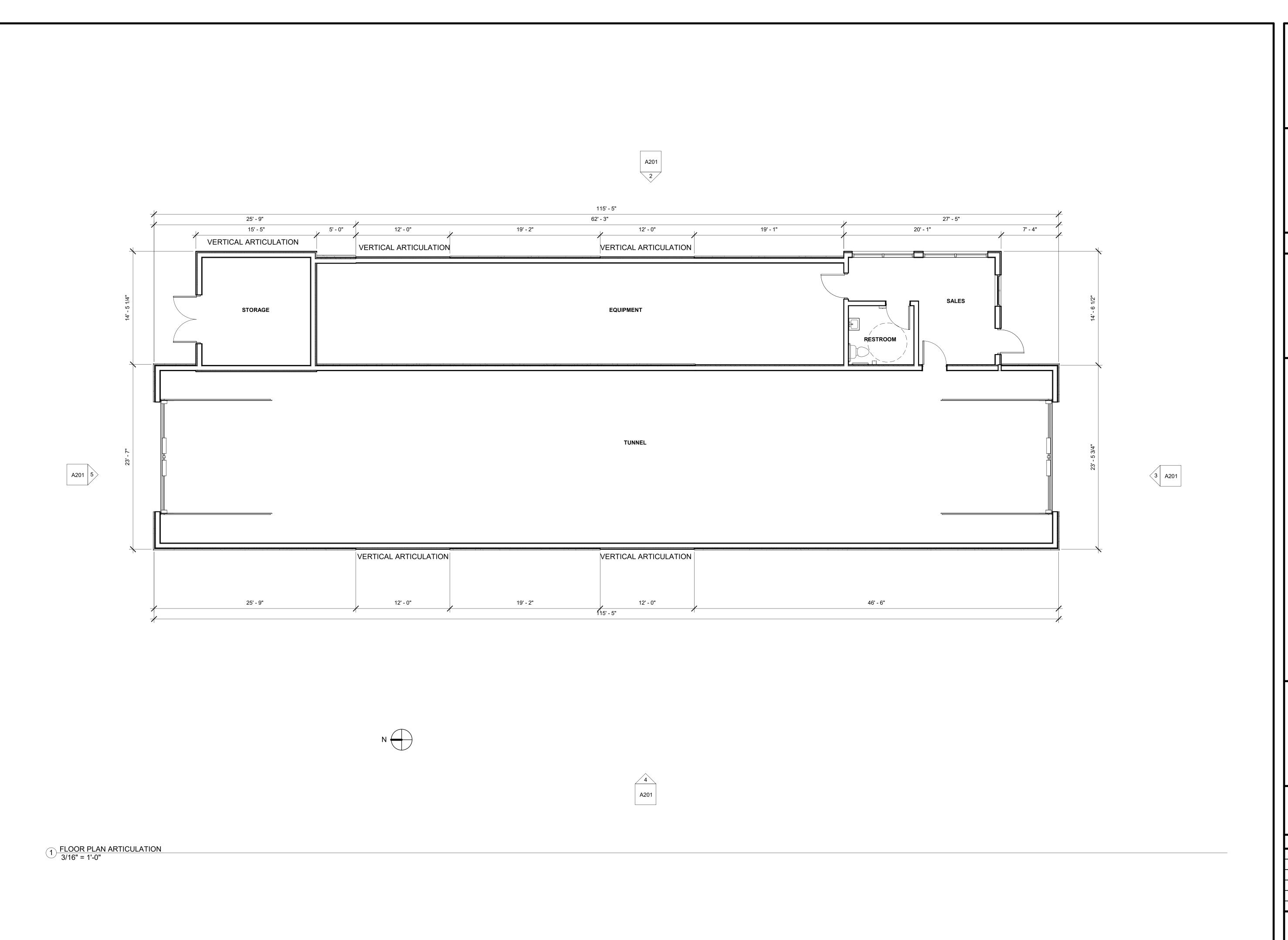
OWNER

SHEET TITLE
3D VIEWS

SHEET HISTORY

DATE I

A210



ARCHCOMM, LLC. 1006 Beckett San Antonio, Texas 78213

(210) 308-9905 TBPE NO. F-15659

06.25.19

CONSULTANTS

BEE

OWNER

SHEET TITLE ARTICULATION FLOOR PLAN

SHEET HISTORY

ISSUE